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REMARKS

The Examiner's comments and grounds of rejection raised in the Office Action dated January 10, 2008 have been carefully considered by the Applicant. Particularly, to further the prosecution of the present application, amendments have been carried out with regard to the pending set of claims, as presented herein above. The following remarks are submitted.

In item 2 of the Office Action the Examiner objects the word "Stickpack type" as being not clear. However, the Applicant respectfully traverses the Examiner's opinion, since he is of the opinion that a structure of "stickpack type" is well known to the person skilled in the art and is clearly derivable from the description and drawings of the instant application. Moreover, said wording is widely used e.g. in the granted US patent n. 6,352,364 (see e.g. abstract, line 2, col. 1, lines 7, 10, 53, 57, etc.).

However, the applicant has amended the wording "Stickpack" by writing it without the initial capital letter. In this way, the wording now used, i.e. "stickpac" is just the same used in the above-mentioned US patent.

In any case, should the Examiner still be of the opinion that the amended wording is not acceptable, the applicant is ready to amend it to "tubular bag".

The Examiner's opinion is thus solicited.

Claims 10-12 had been wrongly made dependent from a cancelled dependent claim and they have thus been amended to be dependent from claim 8.

Claims 1-5 have been confirmed as being withdrawn while new claims 21-25 have been introduced in the application which correspond to claims 1-5 with some amendments.

In item 4 of the Office Action, pending claims 8, 11 and 12 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Center et al. (US 5,078,509) in view of Mobs (US 6,352,364).

According to the Examiner Center discloses all of the features of claim 8 apart from the presence of an extended region.

Mobs, according to the Examiner, discloses such an extended region.

The applicant, in reply to the Examiner's arguments, respectfully submits the following.

Mobs discloses a tubular bag type packing in the form of a stickpac formed of a

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sealable foil strip of at least one layer which is molded to form a tube provided with a longitudinal sealing joint extending between the side edges of the packing. The longitudinal sealing joint of Mobs is provided by an inside/outside sealing of mutually opposite longitudinal flaps. Moreover, one of the transverse sealing joints 3,4, toward the tube, is provided with a short expanded section 8 of the transverse joint and a tearing groove 11, obtained by forming a tear-open aid is provided at the level of the expansion 8 of the transverse joint on the inner foil edge 10 within the longitudinal joint 2 formed of the overlapping foil edges 9 (see e.g. Mobs, abstract, col. 3, lines 1-30 and fig. 1). Furthermore, a tearing aid 11' is provided at the expanded section 8 of the transverse sealing joint in registry with tearing aid 11 (see Mobs, col. 4, first paragraph and figs. 1 and 3).

Mobs, contrary to the Examiner's statement, does not disclose an inside/inside sealing but an inside/outside one.

In fact, drawing figures 1 and 2 disclose an inside/outside sealing, while drawing figure 3 discloses a sealing obtained by means of a stripe or band that keeps the two edges joined together and on such stripe a triangular shaped cut is defined, with material removal.

In the same way, at column 2, lines 3-10 the above mentioned sealing types are disclosed but no mention is made of an inside/inside sealing. The same is true for column 3, lines 28-30.

Applicant points out that Mobs fails to disclose a packaging of the stickpac type having a first sealing band for longitudinal sealing of said body being of an inside/inside sealing type, transverse preweakening incisions provided in longitudinal alignment with said sealed extension region along at least one of said mutually opposite longitudinal flaps, a first sealing band is folded and at least partially adheres longitudinally to an outer surface of said tubular body, and an adhesive layer is further provided at said first sealing band for providing adhesion thereof at said outer surface of the body. The tearing grooves 11 and 11' of Mobs are obtained by cutting out a triangular portion of material.

The difference between Mobs and current claims 8 and 21 is that the preweakening incision of Mobs is a triangular shaped incision that is obtained removing material, while the preweakening incisions of the applicant's invention, as claimed in claims 8 and 21 are

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slit incisions as clearly illustrated in the drawing figures of the applicant's invention.

The slit incisions do not need removal of the material, are practically invisible to the customer and thus do not modify the external appearance of the package, and, most importantly, improve the opening action of the package since such slit incisions substantially eliminate the possibility that the tear of the opening portion of the package extends to a region of the package that has a high resistance to tearing.

Last but not least, the manufacturing process for manufacturing a package provided with slit incisions is less complicated and less costly than a process that is aimed at removing a portion of the material of which the package is made, as it occurs in Mobs.

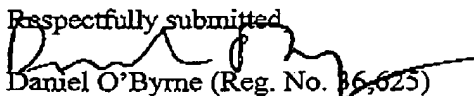
Thus, it is strongly maintained that, in addition to the difference in the sealing between Mobs and the applicant's claimed invention, the presence of the slit incisions of the applicant's claimed invention cannot be comparable to the presence of the triangular cut out of Mobs.

Thus, even if the skilled man in the art would combine Center with Mobs, he would end up with a package that has a different sealing in addition to a different preweakening arrangement.

Thus, the combination of Center and Mobs would not lead the skilled man in the art to a package as claimed in claims 8 and 21 of the present application.

In view of the above amendments and remarks, Applicant respectfully believes that the present application is now in order for allowance, and a notice to this effect is respectfully requested.

Respectfully submitted


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